

Senate Finance and Public Administration Legislation Committee
ANSWERS TO QUESTIONS ON NOTICE
BUDGET ESTIMATES (SUPPLEMENTARY HEARINGS) 2013-2014

Prime Minister and Cabinet Portfolio

Department/Agency: Office of the Commonwealth Ombudsman

Outcome/Program:

Outcome 1. Fair and accountable administrative action by Australian Government agencies by investigating complaints, reviewing administrative action and inspecting statutory compliance by law enforcement agencies.

Topic: Freedom of Information

Senator: Senator Ludwig

Question reference number: 191

Type of question: Written

Date set by the committee for the return of answer: 17 January 2014

Number of pages: 5

Question:

- (1) Can the department please outline the process it under goes to assess Freedom of Information requests?
- (2) Does the department consult or inform the Minister when it receives Freedom of Information requests?
 - a. If so, when?
 - b. If so, how does this occur?
- (3) Does the department consult or inform other departments or agencies when it receives Freedom of Information requests?
 - a. If so, which departments or agencies?
 - b. If so, when?
 - c. If so, how does this occur?
- (4) Does the department consult or inform the Minister when or before it makes a decision on a Freedom of Information request?
 - a. If so, when?
 - b. If so, how does this occur?

- (5) Does the department consult or inform other departments or agencies when or before it makes a decision on a Freedom of Information request?
 - a. If so, which departments or agencies?
 - b. If so, when?
 - c. If so, how does this occur?

- (6) What resources does the department commit to its Freedom of Information team?

- (7) List the staffing resources by APS level assigned solely to Freedom of Information requests.

- (8) List the staffing resources by APS level assigned indirectly to Freedom of Information requests.

- (9) Does the department ever second additional resources to processing Freedom of Information requests?
 - a. If so, please detail those resources by APS level.

- (10) How many officers are currently designated decision makers under the Freedom of Information Act 1982 within the department?
 - a. How does this differ to the number of officers designated as at 6 September 2013?

- (11) How many officers are currently designated decision makers under the Freedom of Information Act 1982 within the Minister's office?
 - a. How does this differ to the number of officers designated as at 6 September 2013?

- (12) Of the officers that are designated decision makers under the Freedom of Information Act 1982 within the Ministers office, how many are seconded officers from the department?

- (13) What training does the department provide to designated decision makers under the Freedom of Information Act who work within the department?
 - a. Of the officers designated as decision makers within the department, how many have received formal training?
 - b. Of the officers designated as decision makers within the department, how many have received informal training?
 - c. How long after each officers appointment as a designated decision maker did they receive formal training?
 - d. What did the training involve?

- e. How long was the training?
 - f. By whom was the training conducted?
- (14) What training does the department provide to designated decision makers under the Freedom of Information Act who work within the Minister's office, excluding those officers on secondment from the department?
- a. Of the officers designated as decision makers, how many have received formal training?
 - b. Of the officers designated as decision makers, how many have received informal training?
 - c. How long after each officers appointment as a designated decision maker did they receive formal training?
 - d. What did the training involve?
 - e. How long was the training?
 - f. By whom was the training conducted??

Answer:

- (1) The Office receives Freedom of Information access requests in writing, by email at ombudsman@ombudsman.gov.au, by facsimile or by post to any of its offices around Australia. Requests are registered by public contact staff and forwarded to a director and coordinator responsible for allocating Freedom of Information requests for processing. Requests are allocated to officers within the Operations Branch who process the requests in accordance with the *Freedom of Information Act 1982* and the Guidelines issued by the Australian Information Commissioner under section 93A of that Act. The Ombudsman has an electronic case management system that supports the process.

Requests are assessed for validity and acknowledged. Record searches are conducted and an assessment of the volume of work and whether any charge should be applied is made. Records are examined and any consultations or transfers are undertaken. A schedule of the documents is produced and a draft decision is prepared explaining any exemptions. Copies are made of the documents and proposed exemptions marked. The draft decision is provided to the decision maker along with the documents. The decision maker reviews the draft decision and documents and finalises it. Subject to any third party notifications, the decision is sent and documents are released. Consideration is given to whether the material is required to be publishes under the Information Publication Scheme and, if so, it is included on the Ombudsman's website.

- (2) The Office does not consult or inform the Minister when it receives Freedom of Information requests.
- (3) The Office does not consult or inform other departments or agencies when it receives Freedom of Information requests.

- (4) The Office does not consult or inform the Minister when or before it makes a decision on a Freedom of Information request.
- (5) The Office consults other departments and agencies where a document relevant to the request may be in the possession of that other agency or department or the request is more closely connected with the functions of that agency or department and transfer of the request is contemplated under section 16 of the *Freedom of Information Act 1982*.

The Office may also consult another agency or department to seek comment as to whether an exemption under the *Freedom of Information Act 1982* may apply to documents relating to that agency or department, but is not bound to reach a decision in accordance with any comments received.

Any contact with departments or agencies occurs between the date of receipt of the Freedom of Information request and the date on which a decision must be made under the Freedom of Information Act 1982.

Any contact by the Office is made by email and/or telephone.

- (6) Freedom of Information processing duties are undertaken within the Operations branch of the Office. Generally six staff members of this branch undertake Freedom of Information duties in addition to other operational duties. The number of staff involved in processing Freedom of Information requests varies with the volume of requests on hand from time to time.
- (7) No Office staff are assigned solely to Freedom of Information duties.
- (8) Generally staff of the following levels do this work in conjunction with their other duties: Executive Level 2, two (2) Executive Level 1 officers, APS 6, APS 4, and APS 3.
- (9) The Office has never seconded additional resources to processing Freedom of Information requests.
- (10) All Ombudsman officers at Executive level 1 and above are authorised to make decisions to release documents under the *Freedom of Information Act 1982*; APS level staff are authorised to make decisions to transfer requests and for consultation purposes. Generally, between three and four staff members make these decisions.

There is no difference to the number of officers designated as at 6 September 2013.

- (11) No officers are currently designated decision makers under the *Freedom of Information Act 1982* within the Minister's office.

There is no difference to the number of officers designated as at 6 September 2013.

- (12) Not applicable.

(13) An internal Office training module was developed by the Australian Government Solicitor in 2012, taking into account recent amendments to the *Freedom of Information Act 1982*.

All officers whose work includes Freedom of Information processing have received the training module, except one officer who commenced after the training module was delivered.

As a result, that officer received equivalent informal training.

All officers except one received formal training prior to them being designated as Freedom of Information decision makers.

The training involved delivery of a module prepared by the Australian Government Solicitor.

The training was conducted by an officer from the Australian Government Solicitor and an officer from the Office's Legal Team.

(14) Not applicable.